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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/055,116

01/22/2002

Raymond Anthony Joao

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06/23/2006

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EXAMINER

TRIEU, VAN THANH

ART UNIT

PAPER NUMBER

2612

DATE MAILED: 06/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/055,116

Applicant(s)

JOAO, RAYMOND ANTHONY

Examiner

Van T. Trieu

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-25 and 27-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-25 and 27-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>5/19/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 21-25, 27-31, 33, 34 and 36-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Radican** [US 6,148,291] in view of **Wilk** [US 6,046,678].

Regarding claim 21, the claimed shipment conveyance device, wherein the shipment conveyance device is associated with a shipment, and further wherein the shipment conveyance device is at least one of a shipping container, a pallet, and a tote (the system CMCS 10 for improved logistic controls over shipping container tracking, switching monitoring and load status, see Figs. 1-3, col. 2, lines 45-64, col. 5, lines 1-10 and 24-37); and the global positioning device, wherein the global positioning device is located in, on, or at, the shipment conveyance device, and further wherein the global positioning device determines a position or location of the shipment conveyance device (the containers are commonly tracked in transit by satellites, see col. 13, lines 7-18); and the processing device, wherein the processing device processes at least one of information regarding the shipment and information regarding the shipment conveyance device in response to an occurrence of an event or in response to a request for information regarding the shipment or the shipment conveyance device, wherein the

processing device generates a message containing information regarding the position or location of the shipment conveyance device and information regarding at least one of the occurrence of an event, a status of the shipment, conveyance device (the central processing unit 11, see Figs. 2-11, col. 2, lines 45-64, col. 5, lines 24-67, col. 6, lines 1-45, col. 8, lines 3-67, col. 9, lines 1-67 and col. 10 to col. 16); and the transmitter, wherein the transmitter transmits the message to a communication device associated with at least one of a sender of the shipment, a receiver of the shipment (the CMCS 10 includes communication links 16 to remote computing systems and/or data receiving modules such as EDI, facsimile or e-mail or Internet connections, remote container data transceiver 18 and remote handheld radios for inputting/reporting data to the CMSC 10, see Fig. 2, col. 5, lines 27-55 and col. 10, lines 30-33); and the carrier of the shipments and an individual or entity authorized to receive information regarding the shipment or the shipment conveyance device (the carrier MIS 40, customers MIS 30, 60 and authority, see Figs. 2-4, col. 5, lines 56-64, col. 6, lines 46-67 and col. 7, lines 1-7); but **Radican** fails to disclose the information regarding at least one of the occurrence of a shipment temperature and impact or force on the shipment conveyance device.

However, **Radican** teaches that the container shipment CMCS 10 provides information field 1012 records and reports the date and time of each of the events in connection with the excepted container, including the date and time of arrival, last move, immediate fax for notification to the carrier or container owner, retained or put into detention, unload, loading or partial loading of racks, completed reload and departure. Field 1013 provides running history of container activities, see Figs. 10B, col. 12, lines 13-27. **Wilk**

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suggests that a protective monitoring device 10 or 170 for transport containers 12 comprises a housing or casing 14 carrying orientation sensor 20, temperature sensor 60 and impact sensors 96, 98, 100. If the orientation, impact and/or temperature is over or under a desired threshold, then an alarm will sound and the detected signals and history information are transmitted by a transmitter 142. The protective monitoring device 10 or 170 can be used by the insurance industry to at least partially determine treatment of a container or package during shipment, see Figs. 1-6, col. 1, lines 28-42, col. 3, lines 46-67, col. 5, lines 37-49, col. 6, lines 55-67, col. 7, lines 1-37, col. 8, lines 14-42 and col. 9, lines 28-60. Therefore, it would have been obvious to one skill in the art at the time the invention was made to implement the protective monitor device of **Wilk** to the container shipment of **Radican** for preventing of incident and damages to each of the containers or packages during shipment as generally required by insurance industry, and also depending on what type of shipment products, such as rare meat, frozen foods, glasses and/or high fragile products, which are required to protect during shipment.

Regarding claim 22, the claimed display (CMCS monitor 15 for displaying information and a handheld display 18, see Fig. 2, col. 5, lines 32-55).

Regarding claim 23, all the claimed subject matters are cited in respect to claim 22 above.

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Regarding claim 24, the claimed receiving request for information by owner, sender or operator, see Fig. 2 and 12A, col. 5, lines 38-55 and col. 13, lines 47-54.

Regarding claim 25, the claimed handling instruction, see col. 5, lines 51-55, col. 8, lines 3-24 and col. 16, lines 57-65).

Regarding claim 27, the claimed message contains information regarding a stop made by a carrier of the shipment (the history information messages includes date and time of load, download, partial load/download by the carrier, see Figs. 4-10).

Regarding claim 28, the claimed temperature sensor is met by the combination between **Radican** and **Wilk** in respect to claim 21 above.

Regarding claim 29 the claimed message contains information regarding an unusual stopping period regarding the shipment (the exception stop for load/unload, see Fig. 10B, col. 12, lines 13-27).

Regarding claim 30, the claimed programmed to automatically generate the message, see col. 13, lines 27-30 and col. 16, lines 45-65).

Regarding claim 31, the claimed generates a shipment delivery message (the central processing unit 11 and the transceiver, see Fig. 2).

Regarding claim 34, the claimed detection of a shipment temperature is met by the combination between **Radican** and **Wilk** in respect to claim 21 above.

Regarding claim 36, the claimed input device (the CMCS data input terminals 14 and the remote inputs 18, see Fig. 2, col. 5, lines 31-35).

Regarding claim 37, the claimed insurance claim information (the insurance, see col. 15, lines 31-49).

Regarding claim 38, the claimed Internet and WWW (see col. 7, lines 26-30 and col. 13, lines 31-37).

Regarding claim 39, the claimed shipping container is at least one of a refrigerated container, a heated container and an insulated container, is met by the combination between **Radican** and **Wilk** in respect to claim 21 above.

Regarding claim 40, the claimed communication device is at least one of a wireless device and a PDA (the handheld RF transceiver 18, see Fig. 2).

Regarding claim 41, all the claimed subject matters are discussed between **Radican** and **Wilk** in respect to claim 21 above.

2. Claims 32 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Radican** [US 6,148,291] in view of **Camhi** [US 5,825,283].

Regarding claim 32, **Radican** fails to disclose the event is a detection of a deviation from a pre-determined transportation route associated with the shipment. However, **Radican** teaches that the container shipment CMCS 10 provides information field 1012 records and reports the date and time of each of the events in connection with the excepted container, including the date and time of arrival, last move, immediate fax for notification to the carrier or container owner, retained or put into detention, unload, loading or partial loading of racks, completed reload and departure with the most efficient routes. Field 1013 provides running history of container activities, see Figs. 10B, col. 12, lines 13-27 and col. 17, lines 46-60. **Camhi** suggests that a tracking device allows fleet manager to define primary and alternate geographic routes and not monitor the shipment vehicles further unless an alert is initiated by uncorrected deviation from the predefined routes, see col. 17, lines 27-35 and col. 20, lines 1-24. Therefore, it would have been obvious to one skill in the art at the time the invention was made to implement the alert event of deviation routes of **Camhi** to the container shipment CMSC of **Radican** for generating a full reports of shipment includes messages of making alternative routes due to traffic conditions such accident, snow, road constructions, and emergency roads, which can be happened at any time and any locations.

Regarding claim 35, the claimed event is a detection of impact experienced by the shipment conveyance device is met by the combination between **Radican** and **Camhi** in respect to claim 21 above.

3. Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Radican** [US 6,148,291] in view of **Takizawa** [US 6,6109,954].

Regarding claim 33, **Radican** fails to disclose the detection of an unauthorized carrier or a wrong carrier transporting the shipment conveyance device or a detection of an unauthorized receiver of the shipment or the shipment conveyance device or a wrong receiver of the shipment or the shipment conveyance device. **Radican** teaches that the CMCS 10 controls to delivery of containers to its owner or customers MIS 30 and 60, see Fig. 2, see col. 5, lines 56-67. **Takizawa** suggests that the shipment shorting system alarms the sorter by emitting a buzzing sound or by causing a lamp of an alarming color to blink, if a sensor detects a good is delivered to a wrong slot. Through this arrangement, it becomes possible to greatly reduce the incidence of wrongly delivered goods, see Figs. 2, 7 and 8, col. 10, line s6-10. Therefore, it would have been obvious to one skill in the art at the time the invention was made to implement the detection of wrong shipment delivery of **Takizawa** to the CMCS of **Radican** for preventing of mistake and error of delivered a container to wrong carrier, customer or owner, which is one of the reliability and security functions of the package shipment system.

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Conclusion

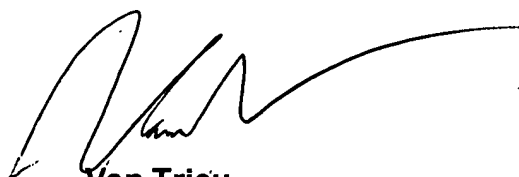
4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Forster et al discloses a GPS tracking device that is associated with a cargo container for shipping goods and materials and is placed into transportation vessel for shipment.

The cargo container includes environmental sensors, position sensor, acoustic sensor, frequency detector, pressure sensor, motion sensor, proximity sensor, image sensor and hazardous materials sensor. [US 6,281,797]

5. Any inquiry concerning this communication or earlier communications from examiner should be directed to primary examiner **Van Trieu** whose telephone number is (571) 272-2972. The examiner can normally be reached on Mon-Fri from 7:00 AM to 3:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Mr. Mike Horabik** can be reached on (571) 272-3068.



Van Trieu
Primary Examiner
Date: 6/13/06